

### REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14 are pending in the present application. Claims 1-3 and 5-7 are amended and Claims 8-15 are added by the present amendment.

Claims 8-15 are added to recite features similar to those of originally filed Claims 1-7, respectively, with a varied scope and find support in the originally filed specification at least at page 44, lines 9-11. No new matter is added.

In the outstanding Official Action, the specification and drawings were objected to; Claim 7 was rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-7 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,560,634 to Broadhurst.

Applicant and applicant's representatives gratefully thank Examiner Brancolini and Supervisory Examiner Dung for the courtesy of a personal interview extended to applicant's representatives on April 7, 2004. During the interview, differences between the present invention and the applied art, and rejections noted in the outstanding Office Action were discussed. However, no agreement was reached regarding patentability pending the Examiner's further review when a response is filed. Arguments presented during the interview are reiterated below.

Regarding the objections to the specification and drawings, Figure 16 is added and corresponds to the description of Figure 16 in the originally filed specification at page 11, lines 10-11, and page 39, lines 16-23. It is believed no new matter is added. Accordingly, applicant respectfully requests these objections be withdrawn.

Further, regarding the rejection of Claim 7 under 35 U.S.C. § 112, second paragraph, Claim 7 is amended to depend from Claim 6, thus, providing proper antecedent basis for each

of the terms in Claim 7. Accordingly, it is respectfully requested this rejection also be withdrawn.

Claims 1-7 were rejected under 35 U.S.C. § 102(e) as anticipated by Broadhurst. Applicant respectfully traverses that rejection.

Amended Claim 1 is directed to a domain name system inquiry apparatus that includes, *inter alia*, server location information receiving means for receiving server information, including an IP address, regarding a domain name system server to which an inquiry can be made. The apparatus also includes server management means for storing the server information received by the server location information receiving means and request responding means for selecting a response based at least on the IP address included in the server information. Amended independent Claims 3, 5, and 6 include similar features.

In a non-limiting example, Figure 1 shows a domain name system inquiry apparatus that includes a server information receiving section 9 (e.g., server location information receiving means) that receives DNS server information and a server management section 4 (e.g., server management means) that manages DNS server information. DNS server information for known DNS servers is stored by the server management section 4 in a server management table as shown in Figure 3. Each row in the server management table includes information for a single known DNS server, and includes the address of the DNS server (i.e., DNS Server IP address<sup>1</sup>), a failure counter, and the effective period of the server.<sup>2</sup> For example, Figure 3 illustrates a possible embodiment of the claimed invention that knows of two DNS servers having server IP addresses represented by DA1 and DE1, respectively. In this example, DNS inquiries are sent to each of these DNS servers using their IP addresses.<sup>3</sup>

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<sup>1</sup> The address of the DNS server is an IP address, for example according to IPv4, as discussed in the specification at page 15, lines 8-12.

<sup>2</sup> Specification at page 14, lines 18-24.

<sup>3</sup> Specification at page 36, lines 8-13.

The apparatus evaluates the responses to these inquiries and selects an appropriate response based at least on the IP address included in the server information.<sup>4</sup>

By receiving and managing server information that includes the DNS server IP address, this apparatus advantageously distinguishes between the known DNS servers and selects an appropriate response to a DNS inquiry,<sup>5</sup> even when there are plural DNS server trees each having a DNS root server with a non-unique IP address.<sup>6</sup>

Applicant respectfully submits that Broadhurst does not teach or suggest means for receiving a server IP address. Broadhurst discloses a method of determining unavailability of an internet domain name in various domains. The method includes receiving user input regarding a desired domain name, transmitting a request for a search of domain names on DNS servers in various domains, and displaying search results, including the availability of the desired domain name in various domains.<sup>7</sup> As shown in the flow chart of FIG. 4, Broadhurst describes receiving a client domain name search request, in step 408, spawning a number of sub-processes to search each requested domain, in step 414, and requesting the DNS server in each domain to search for the specified domain name, in step 418. Each DNS server generates a response that indicates whether that domain name was found.<sup>8</sup> The responses, indicating available domain names, are collected and displayed to the user, as shown in FIG. 6A.

In other words, Broadhurst describes a method of searching various DNS root servers for a particular domain name, but does not teach that IP addresses for DNS servers are received as by the claimed response receiving means, does not teach that IP addresses for DNS servers are stored as when the claimed server management means stores IP addresses of known DNS servers, and does not teach that a response is selected based upon the IP

<sup>4</sup> Specification at page 38, lines 18-24.

<sup>5</sup> Specification at page 5, line 24 to page 6, line 4.

<sup>6</sup> Specification at page 4, line 14 to page 5, line 21.

<sup>7</sup> Broadhurst at column 2, lines 41-52.

<sup>8</sup> Broadhurst at column 6, lines 10-14.

addresses of known DNS servers as when the claimed request responding means selects a response based at least on the IP address. Accordingly, it is respectfully submitted that Broadhurst does not teach or suggest a domain name inquiry apparatus that includes a “server information receiving means for receiving server information regarding a domain name system server to which an inquiry can be made, said server information including an IP address” and includes a “server management means for storing the server information received by said server information receiving means” and includes a “request responding means for selecting a response result corresponding to said inquiry request based at least on the IP address,” as in independent Claims 1, 3, 5, and 6.

Accordingly, it is respectfully submitted that independent Claims 1, 3, 5, and 6, and claims dependent therefrom, are allowable.

New independent Claim 8 is directed to a domain name system inquiry apparatus that includes, *inter alia*, means for receiving server information that includes a failure counter and means for receiving more than one response to an inquiry request. In addition, the domain name system inquiry apparatus includes means for selecting a particular one response from the more than one response to the inquiry request based at least in part on the failure counter included in the server information and for sending the one particular response result to the client. New independent Claims 10, 12, and 13 include similar features.

As discussed above, Fig. 3 shows one possible embodiment of the claimed invention that includes two known DNS servers having IP addresses DA1 and DE1, respectively, and sends a DNS inquiry to each of these servers. Further, the response selection section 15 advantageously selects one particular response from a single DNS

server to forward to the client, based at least upon the failure counter included in the stored server information.<sup>9</sup>

On the other hand, Broadhurst only discloses a system that queries a plurality of DNS servers for the availability of a domain name, and reports the results from each queried DNS server to the client.<sup>10</sup> Thus, Broadhurst does not disclose selecting one particular result from the query result of domain name availability for transmission to the client, but rather discloses sending all results from all queried DNS servers to the client. Further, Broadhurst does not describe selecting a response based even in part upon a failure counter included in the server information, and does not appear to describe any failure counter or any counter at all. Hence, Broadhurst does not teach or suggest “means for selecting a particular one response from the more than one response to the inquiry request based at least in part on the failure counter included in the server information,” as recited in independent Claim 8, and as similarly recited in independent Claims 10, 12, and 13.

Accordingly, it is respectfully submitted that independent Claims 8, 10, 12, and 13, and claims dependent therefrom, are allowable.

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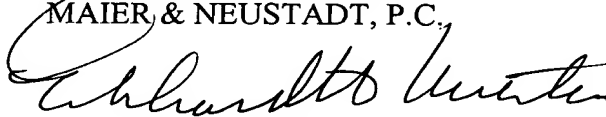
<sup>9</sup> Specification at page 38, lines 18-24.

<sup>10</sup> Broadhurst at column 6, lines 10-43.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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